

JUL 13 2007

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July 13, 2007

Atty Docket No. :	JCLA7632
Application No. :	10/013,981
Filing Date :	December 10, 2001
Pages :	Cover + 6

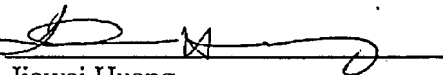
BY FACSIMILE ONLY

Fax No. :	571-273-8300
Attention :	EXAMINER : LI, SHI K.
Group Unit :	2633
From :	Jiawei Huang, Reg. No. 43,330
MESSAGE :	Enclosed herewith is an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER in three (3) pages and a reply thereto in three (3) pages.

Sir:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on July 13, 2007 at the above indicated fax number.

Sign by


Jiawei Huang

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Docket No. JCLA7632
US App. No. 10/013,981

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : CHIA-HUI HAN et al.

Application No. : 10/013,981

Filed : December,10,2001

For : METHOD OF IDENTIFYING INFRARED
TRANSMISSION HEAD FUNCTION

Examiner : LI, SHI K.

Attorney Docket No. : JCLA7632

SUMMARY OF CLAIMED SUBJECT MATTER

FOR DEFECTIVE APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER dated June 21, 2007, please enter the following SUMMARY OF CLAIMED SUBJECT MATTER. As the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), only the SUMMARY OF CLAIMED SUBJECT MATTER, not the entire brief, is enclosed herewith.

Also enclosed herewith is a copy of the ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER.

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Docket No. JCLA7632
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V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter of independent claim 1 involved in the appeal is directed to a transmission method for identifying infrared transmission head functions through an infrared controller coupled to an infrared transmission head (as shown in Fig. 4, and as discussed in Lines 1-3 and 5 in Para. [0018]). This method comprises the following steps (Fig.4 and Line 1 in Para. [0018]). As in step S600, the infrared controller is set in a test circuit mode (Fig.4 and Line 4 in Para. [0018]). As in step S610, a test brand name and its corresponding test transmission mode of the infrared transmission head are selected among a plurality of brand names (Fig.4 and Lines 5-7 in Para [0018]). Said infrared controller is programmed according to the test transmission mode corresponding to the test brand name of said infrared transmission head (Fig.3 and Lines 23-27 in Para. [0017]). As in step S620, said infrared controller sends out transmission test data corresponding to the test brand name to the infrared transmission head, and receives test data according to the test transmission mode corresponding to the test brand name of said infrared transmission head (Fig.4 and Lines 8-9 in Para. [0018]). As in steps S630 and S640, said test brand name and associated test transmission mode of said infrared transmission head are registered when said transmission test data and said received test data are identical (Fig.4 and Lines 9-11 in Para. [0018]). As in step S650, said infrared transmission head operates according to the registered test brand name and test transmission mode of said infrared transmission head (Fig.4 and Lines 11-12 in Para. [0018]). Wherein, said infrared controller's sending out transmission test data and said infrared controller's receiving test data occur concurrently (as shown in step S620 and Line 8 in Para. [0018]).

The claimed subject matter of independent claim 6 involved in the appeal is directed to a transmission method for identifying infrared transmission head functions (as shown in Fig. 4, and as discussed in Lines 1-3 in Para. [0018]). This method comprises the following steps (Fig.4 and Line 1 in Para. [0018]). An infrared controller is coupled to an infrared transmission head (Fig.3 and Line 5 in Para. [0018]). Said infrared controller is programmed (Fig.3 and Lines 26-27 in Para. [0017]). As in step S620, said infrared controller sends out transmission test data corresponding to the test brand name to the infrared transmission head, and receives

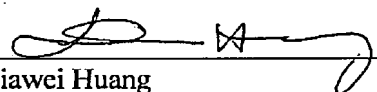
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test data according to the test transmission mode corresponding to the test brand name of said infrared transmission head (Fig.4 and Lines 8-9 in Para. [0018]). As in steps S630 and S640, said test brand name and associated test transmission mode of said infrared transmission head are registered when said transmission test data and said received test data are identical (Fig.4 and Lines 9-11 in Para. [0018]). Wherein, said infrared controller's sending out transmission test data and said infrared controller's receiving test data occur concurrently (as shown in step S620 and Line 8 in Para. [0018]).

Respectively submitted
J.C. PATENTS

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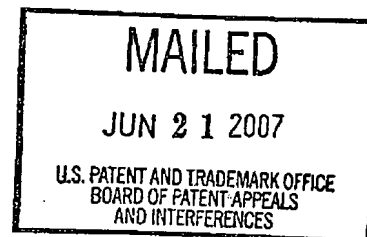
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: CHIA-HUI HAN

Application No. 10/013,981



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 11, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF

Summary Of Claimed Subject Matter

Appellant filed an Appeal Brief dated March 13, 2006, in response to the Final Rejection mailed June 15, 2005. The Appeal Brief is not in compliance with the new rules of 37 CFR § 41.37(c) effective September 13, 2004.

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37 CFR § 41.37(c) states:

(a)(1) Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31.

* * *

(c)(1) The brief shall contain the following items...of this section:

(v) *Summary Of Claimed Subject Matter.* A concise statement of each ground of rejection presented for review.

An in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief. The Appeal Brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claims argued separately, every means plus functions and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with references to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

Section 37 CFR § 41.37(c)(2)(d) further states:

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR § 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR § 41.37(c)(1)(v) will suffice. Failure to timely respond to

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Application No. 09/894,378

the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

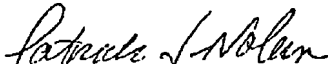
CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) notify appellant that the Appeal Brief filed March 13, 2006, is defective
- 2) direct applicants to file a paper (as identified above) in compliance with 37 CFR § 41.37;
- 3) for the Examiner to issue and mail a form PTOL-90 considering and/or acknowledging Appellant's paper; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES


PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/dpv

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